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May 12, 2011

Mr Phil Isenburg, Chair, Delta Stewardship Council &
Members of the Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Third Draft of the Delta Plan

Dear Council Members:

The City of Tracy appreciates the opportunity to comment on the Third Draft of the Delta Plan. The City submitted comments to you in a letter dated May 5, 2011, but that letter did not address the questions in your questionnaire which the City received Monday, May 9, 2011. Accordingly, this letter is intended to offer responses to your questions. We did, however, put some time into developing specific recommended language that does address the bulk of our concerns which relate to the definition and processes surrounding "covered actions". Below is a reprinting of your questionnaire along with our responses, followed by suggested additional language to Chapter 3 of the Draft Delta Plan.

Delta Stewardship Council questions directed at Delta cities:

1. The Legislature has acknowledged that the statutory Delta is "inherently a flood prone area wherein the most appropriate uses are agriculture, wildlife habitat, and . . . recreational activities," [PRC 29704]. The Legislature has also directed that the Delta Plan "shall attempt to reduce risks to people, property, and state interests in the Delta by promoting effective emergency preparedness, appropriate land uses, and strategic levee investments." [WC 85305]
- What are the interests of your city regarding flood risk and land use in the Primary Zone and/or Secondary Zone of the Delta?

City Response: The City has no land within the Primary Zone; however, there is planned growth and infill development identified in the City's adopted General Plan for property that lies within the Secondary Zone. Recreational uses are planned for areas in the floodplain that are City owned.

- For purposes of reducing Delta flood risk, how are the interests of your city and the surrounding county similar, and how do they differ?

City Response: City and County show similar land uses on our respective General Plans (AG) for areas in the 100-year floodplain. Tracy has an interest in developing a portion of City owned property north of the City limits for recreational uses.

- What are your city's priorities in considering how to balance flood plain protection with pressures for development in the Secondary Zone?

City Response: The majority of Tracy's planned growth occurs outside of the Secondary Zone and the floodplain. Any development proposal would have to meet state standards for flood protection should it be located in the floodplain. The City is interested in developing recreational uses on City owned property in the floodplain, which consists of approximately 1000 acres located in Reclamation District 1007 (Pico & Naglee) south of Bethany Road, between Corral Hollow Road and Tracy Boulevard.

2. The Third Staff Draft Delta Plan, in Chapter 7, contains proposed policies designed to reduce flood risk in the Delta [RR P1-P6], along with proposed recommendations [RR R1-R8].
- How well do the policies and recommendations identified in the Third Staff Draft address your key interests?

City Response: RR P-1 refers to ER P4 which in turn references the California Essential Habitat Connectivity Project (2010), which was not reviewed by the City. RR P3, third bullet references Reclamation District R-1007 north of Bethany Road. The City owns property planned for recreational uses south of Bethany Road. This policy also references R-2058 north of the I-205 freeway; the City has ongoing infill development within this Reclamation District south of I-205, and planned development adjacent to the west side of Paradise Road.

- Are there different approaches or policies available to the Council to achieve its statutory mandate?
- In general terms, what would be the cost of your alternative approach or policy, and who would pay?

3. The Third Staff Draft Delta Plan, in Chapter 7, also contains proposed performance measures intended to assist in evaluating progress. **No City Comment**

- How useful will the proposed performance measures be in evaluating progress?
- Are there different performance measures available to the Council to achieve its statutory mandate?
- In general terms, why is your proposed performance measure more likely to be useful?

4. The Third Staff Draft Delta Plan, in Chapter 5, contains proposed policies [ER P1-P6] and recommendations [ER R1-R5] designed to meet the co-equal goal of "protecting, restoring, and enhancing the Delta ecosystem." **No City Comment**
 - How well do the policies and recommendations identified in the Third Staff Draft address your key interests?
 - Are there different approaches or policies available to the Council to achieve its statutory mandate?
 - In general terms, what would be the cost of your alternative approach or policy, and who would pay?
5. The Third Staff Draft Delta Plan, in Chapter 5, also contains proposed performance measures intended to assist in evaluating progress. **No City Comment**
 - How useful will the proposed performance measures be in evaluating progress?
 - Are there different performance measures available to the Council to achieve its statutory mandate?
 - In general terms, why is your proposed performance measure more likely to be useful?
6. The Third Staff Draft Delta Plan, in Chapter 6, contains proposed recommendations [WQ R1-R9] designed to improve water quality in order to meet the co-equal goals. **No City Comment**
 - How well do the policies and recommendations identified in the Third Staff Draft address your key interests?
 - Are there different approaches or policies available to the Council to achieve its statutory mandate?
 - In general terms, what would be the cost of your alternative approach or policy, and who would pay?
7. The Third Staff Draft Delta Plan, in Chapter 6, also contains proposed performance measures intended to assist in evaluating progress. **No City Comment**
 - How useful will the proposed performance measures be in evaluating progress?
 - Are there different performance measures available to the Council to achieve its statutory mandate?
 - In general terms, why is your proposed performance measure more likely to be useful?
8. The Third Staff Draft Delta Plan, in Chapter 8, contains proposed recommendations [DP R1-R7] designed to meet the Legislature's direction to

achieve the co-equal goals "in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place." [29702(a)]

- How well do the recommendations identified in the Third Staff Draft address your key interests?

City Response: Currently, there are no policies drafted in response to the Problem Statement on page 103. That Statement references development in the Secondary Zone. The City of Tracy has planned development within the Secondary Zone and wishes to comment on policies should they be introduced into this document.

- Are there different approaches or policies available to the Council to achieve its statutory mandate?
- In general terms, what would be the cost of your alternative approach or policy, and who would pay?

9. The Third Staff Draft Delta Plan, in Chapter 8, also contains proposed performance measures intended to assist in evaluating progress.

- How useful will the proposed performance measures be in evaluating progress?
City Response: Please provide a clear definitional distinction between "Agriculture" and "Open Space".
- Are there different performance measures available to the Council to achieve its statutory mandate?
- In general terms, why is your proposed performance measure more likely to be useful?

City of Tracy suggested language for inclusion in the Delta Plan:

The following language is recommended for inclusion in Chapter 3 of the document to address our concerns related to the definition and processes surrounding "covered actions":

Proposed addition to Chapter 3, page 37, line 17:

The Council has also determined that projects meeting all of the following criteria do not result in a "significant impact":

1. The project is located within the existing boundaries of a city;
2. The project is carried out, approved, or funded by a city that is compliant with the regulatory policies relating to water supply reliability contained in WR P1, WR P2, and WR P3;

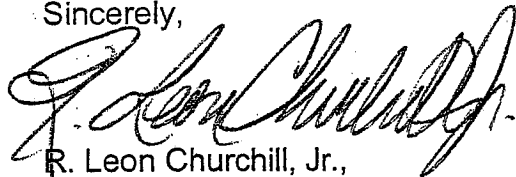
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3. Where it can be demonstrated by substantial evidence that the project does not adversely impact the opportunity for ecosystem restoration or flood management in the Delta; and
4. The project is located outside of the 100 year flood plain.

Thank you for the opportunity to comment on the Third Draft of the Delta Plan and the invitation to present our remarks to the Council. We appreciate your thoughtful consideration of these comments and, are willing to meet or otherwise clarify our comments. The City contact person is Bill Dean, Assistant Director of Development and Engineering Services, 209-831-6427, or William.dean@ci.tracy.ca.us. Of course, please feel free to contact me directly at 209-831-6115.

Sincerely,



R. Leon Churchill, Jr.,
City Manager, ICMA-CM, AICP

